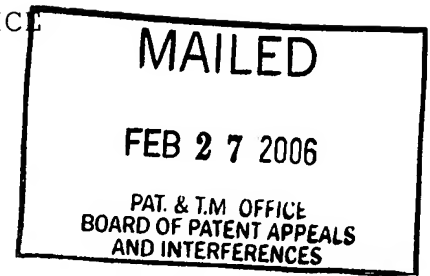


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte MICHAEL WAYNE BROWN, JOSEPH HERBERT MCINTYRE, MICHAEL A.
PAOLINI, JAMES MARK WEAVER, & SCOTT LEE WINTERS

Application 10/022,624

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 31, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

It is noted that the Notice of Appeal Fee was not charged appellants' deposit account, Number 09-447. The appropriate Notice of Appeal fee needs to be charged.

A review of the file indicates that appellants filed an Appeal Brief on November 1, 2004 using the format set forth 37 CFR § 41.37(c). However, the Appeal Brief is missing the Evidence Appendix and the Related Proceedings Appendix, as

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required by 37 CFR § 41.37(c)(1)(ix) and (x). Appropriate correction is required.

The Examiner's Answer, mailed November 3, 2005, is defective, for it does not provide a list of references used in the rejection on appeal under the Heading "(8) Evidence Relied Upon", on page 3 of the Examiner's Answer. See the Manual of Patent Examiner Procedure (MPEP) § 1207.02, page 1200-29. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to charge the appropriate Notice of Appeal Fee to Deposit Account 09-447;
- 2) to have appellants file a Supplemental Appeal Brief containing the Evidence and Related Proceedings Appendices;
- 3) to vacate the Examiner's Answer mailed April 20, 2005;

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4) file a new Examiner's Answer, which include the listing of prior art relied upon by the Examiner in the rejections on appeal; and

5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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